

PATENT  
Attorney Docket No. 101.0059-02000  
Customer No. 22882  
U.S. Express Mail Label No. EG 090177499 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: ) Confirmation No.: 4939  
Gary Karlin Michelson )  
Serial No.: 10/674,971 ) Group Art Unit: 3738  
Filed: September 30, 2003 ) Examiner: David H. Willse  
For: METHOD FOR INSERTING AN )  
INTERBODY SPINAL FUSION )  
IMPLANT HAVING A REDUCED )  
WIDTH AND AN ANATOMICALLY )  
CONFORMED TRAILING END )

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the first Office Action on the merits subsequent to the Request for Continued Examined filed on November 4, 2010 for the above-referenced application.

Copies of the listed non-U.S. patent documents are enclosed herewith. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The present application is a divisional application of Application No. 09/792,679 (U.S. Patent Publication No. 2001/0010020), which is a continuation of Application No. 09/263,266, now U.S. Patent No. 6,241,770. The present application is also the parent of Application No. 11/133,528 (U.S. Patent Publication No. 2005/0216089).

The present application is also commonly owned and has similar subject matter to the following patents and applications:

U.S. Patent No 6,485,517, which is the parent of U.S. Patent No. 7,637,951, which in turn is the parent of U.S. Patent No. 7,637,954 and Application No. 10/825,522 (U.S. Patent Publication No. 2004/0210313), which in turn is the parent of Application No. 12/658,220 (U.S. Patent Publication No. 2010/0145463);

U.S. Patent No. 7,462,195, which is the parent of the three U.S. Patents and Applications, U.S. Patent No. 7,156,875; U.S. Patent No. 7,387,643; and Application No. 12/315,991 (U.S. Patent Publication No. 2009/0105821);

U.S. Patent No. 6,350,283, which is the parent of U.S. Patent No. 6,666,890, which is the parent of U.S. Patent No. 7,022,137, which is the parent of Application No. 11/396,727 (U.S. Patent Publication No. 2006/0235519);

U.S. Patent No. 6,749,636, which is the parent of U.S. Patent No. 7,435,262;

U.S. Patent No. 6,890,355, which is the parent of U.S. Patent No. 7,455,692, which is the parent of U.S. Patent No. 7,540,882, which is the parent of Application No. 12/455,415 (U.S. Patent Publication No. 2009/0270991); and

U.S. Patent No. 6,989,031, which is the parent of U.S. Patent No. 7,611,536, which is the parent of Application No. 12/587,196 (U.S. Patent Publication No. 2010/0030333).

The documents identified on the attached Form PTO/SB/08 with an asterisk "\*" in the column for the Examiner's initials have been previously submitted, but are being resubmitted to make sure the Examiner is aware of their relationship to the present application.

Applicant also brings to the attention of the Examiner the file history (the Office Actions and responses) of each of the submitted patents and applications. While the individual Office Actions and responses are not attached hereto, they are available in each of the file wrappers in the Patent Office, through PAIR, or will be provided by Applicant at the Examiner's request.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant

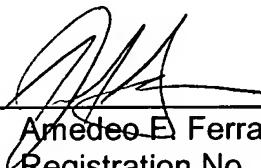
reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

By:   
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Registration No. 37,129

Date: November 8, 2010

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